



February 28, 2025

VIA ECF

Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

**Re: *In re: Insulin Pricing Litigation*, MDL No. 3080
Case No. 2:23-md-03080-BRM-RLS
Status Update Regarding Manufacturer Defendant Search Terms**

Pursuant to the Court's instruction at the February 10, 2025 Discovery Conference, Plaintiffs and the Manufacturer Defendants respectfully submit this letter to update the Court regarding their subsequent efforts to reach agreement on custodians and search terms.

As the Court is aware, Plaintiffs and the Manufacturer Defendants have been conferring regarding custodians and search terms for months. The parties are pleased to report that, as to custodians, Plaintiffs and each of the Manufacturer Defendants have reached tentative agreements that should render any further Court intervention unnecessary at this time.

Search terms remain an open issue, but the parties have made (and anticipate continuing to make) substantial progress. By way of background: Defendants provided their initial search term proposal on November 27, 2024, which was based on the search terms negotiated in the consumer case, *In re Insulin Pricing Litigation*, No. 2:17-cv-699 (D.N.J.). Plaintiffs provided an initial counterproposal on December 12, 2024, and Defendants provided an additional counterproposal on January 10, 2025. The parties then conferred on January 23, 2025, at which time Defendants advised Plaintiffs of technical processing issues with certain of Plaintiffs' proposed search queries. Plaintiffs consulted with their vendor, addressed the technical issues, and provided a revised counterproposal on January 31, 2025. On February 5, 2025, Plaintiffs requested that the Manufacturer Defendants produce hit-count reports as contemplated by Section V.A. of the ESI Order (CMO #11) [ECF No. 208] and agreed to omit certain terms from their proposal at the Manufacturer Defendants' request.

After the February 10, 2025 conference before Your Honor, the Manufacturer Defendants provided their initial hits reports on February 13, 2025, and the parties conferred the following day. On February 16, 2025, Plaintiffs agreed to omit additional terms from their proposal at the Manufacturer Defendants' request and also requested revised hit-count reports with certain additional information to aid in the parties' conferral efforts.

On February 25 and 26, 2025, the Manufacturer Defendants provided updated hit-count reports with certain of the additional information Plaintiffs requested. On February 27, 2025, the Manufacturer Defendants provided a counterproposal accepting many of Plaintiffs' proposed terms, and the parties conferred that afternoon. The Manufacturer Defendants today provided Plaintiffs with a list of remaining disputed terms to aid in the parties' continued discussions.

In light of the parties' recent agreements on custodians, the Manufacturer Defendants have committed to providing Plaintiffs (as promptly as practicable) with updated hit-count reports that include hits against the parties' recently agreed-upon custodians and the parties have mutually committed to making themselves available for additional conferral as soon as the Manufacturer Defendants' updated hit-count reports are provided.

The parties are optimistic that a complete and final agreement can be reached by the Court's March 2025 Discovery Conference. In the event any issues remain, the parties will update the Court accordingly at the conference.

We thank the Court for its continued attention to these matters and recognize that the Court's guidance has been instrumental in allowing the parties to make significant progress in recent weeks.

Respectfully submitted,

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cc: Counsel of Record (via ECF)